

# REGULAR COUNCIL MEETING

## A G E N D A

TOWN OF CHINCOTEAGUE

February 5, 2007 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN ROSS

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

---

1. Consider Adoption of the Minutes
  - Regular Council Meeting of January 18, 2007 (Page 2 of 11)
2. Cemetery Committee Report of January 23, 2007 (Councilman Howard) (Page 10 of 11)
3. The Library Property Deed of Gift (Page 11 of 11)
4. Accomack County Board of Supervisors Update (Honorable Wanda Thornton)
5. Planning Commission Member Vacancy Nomination
6. Establish a Date for a Joint Public Workshop with the Planning Commission on the Draft Comprehensive Plan to Receive Public Comments
7. Mayor & Council Announcements or Comments  
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE JANUARY 18, 2007  
CHINCOTEAGUE TOWN COUNCIL MEETING**

**Council Members Present:**

John H. Tarr, Mayor  
Anita Speidel, Vice Mayor  
Nancy B. Conklin, Councilwoman  
Terry Howard, Councilman  
Ellen W. Richardson, Councilwoman  
E. David Ross, Councilman  
Glenn B. Wolfe, Councilman

***Call to Order***

Mayor Tarr called the meeting to order at 7:33 p.m.

***Invocation***

Councilman Howard offered the invocation.

***Pledge of Allegiance***

Mayor Tarr led the Pledge of Allegiance.

***Open Forum/Public Participation***

- Mrs. Barbara Thackray commented that Council should consider several factors regarding gazebo structures on piers including the shape, style, construction material, artificial lighting, noise from activities in the gazebo, blocking the view, etc.
- Mr. Robert Watson, Sr. commented that he was against allowing gazebos on piers and that allowing these structures will further obstruct the water view.

***Agenda Additions/Deletions and Adoption***

Mayor Tarr requested that item number four be deleted and placed on the agenda for the regular Council meeting of February 5, 2007. Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adopt the agenda as corrected. The motion was unanimously approved.

***1. Approval of Minutes of the January 2, 2007 Council Meeting.***

Councilman Ross motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

***2. Chincoteague Recreation and Convention Center Authority Report of November 20 and December 18, 2006.***

Councilman Wolfe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

### **3. Harbor Committee Report of January 10, 2007.**

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- Winter Storage Relief for Sublease – Councilman Howard explained that the Harbor Committee discussed granting a credit to the winter storage bills of the slip holders whose slips are subleased in the winter. The Harbor Committee recommended that those slip holders that store their boats in winter storage be granted a credit of \$1.17 each day that their slips are subleased to a boat that is less than thirty (30) feet and \$1.67 each day that their slips are subleased to a boat that is thirty (30) feet or greater.

Councilman Howard motioned, seconded by Councilwoman Conklin, to grant the abovementioned credit to the slip holders that store their boats in winter storage. The motion was unanimously approved.

### **4. Certificate of Recognition.**

Mayor Tarr read and presented the following Certificate of Recognition to Chief Lewis and the Chincoteague Police Department.

#### **CERTIFICATE OF RECOGNITION**

**WHEREAS**, the Chincoteague Police Department has given freely of their time and talents to initiate fundraising activities for families throughout our community; and

**WHEREAS**, these fundraising activities resulted in assistance to many families and brought smiles to the faces of many children throughout our community on Christmas Day; and

**WHEREAS**, many businesses and individuals deserve our heartfelt gratitude for their generous donations to this program along with Chief Lewis and the members of the Chincoteague Police Department and many volunteers that saw this program to its success.

**NOW, THEREFORE**, I., John H. Tarr, Mayor along with the Chincoteague Town Council, deem it an honor and a privilege to present this

**Certificate of Recognition to the  
CHINCOTEAGUE POLICE DEPARTMENT**  
on this 18<sup>th</sup> day of January, 2007.

---

John H. Tarr, Mayor

---

Anita Speidel, Vice Mayor

### **5. FY 2006 Audit Report.**

Mr. David Hughes of Robinson, Farmer, Cox Associates presented Council with the Fiscal Year 2006 Audit Report.

## **6. Committee Reappointments/Nominations.**

**a. Chincoteague Recreation and Convention Center Authority** – Mayor Tarr explained that Mr. William McComb’s term has expired. He opened the floor for nominations to fill the vacancy of the four-year term. Councilwoman Conklin nominated Mr. William McComb to fill the vacancy. Mayor Tarr closed the nominations. In favor of Mr. McComb were all members of Council. Mr. McComb was appointed to the Chincoteague Recreation and Convention Center Authority for a four-year term.

**b. Curtis Merritt Harbor Committee** - Mayor Tarr explained that Mr. Ernest Bowden’s term has expired. He opened the floor for nominations to fill the vacancy of the two-year term. Councilman Howard nominated Mr. Ernest Bowden to fill the vacancy. Mayor Tarr closed the nominations. In favor of Mr. Bowden were all members of Council. Mr. Bowden was appointed to the Curtis Merritt Harbor Committee for a two-year term.

**c. Building Code Board of Appeals** - Mayor Tarr explained that Mr. Rob Tye’s term has expired. He opened the floor for nominations to fill the vacancy of the five-year term. Councilman Howard nominated Mr. Rob Tye to fill the vacancy. Mayor Tarr closed the nominations. In favor of Mr. Tye were all members of Council. Mr. Tye was appointed to the Building Code Board of Appeals for a five-year term.

**d. Chincoteague Recreation and Convention Center Authority** - Mayor Tarr explained that Mr. Steve Potts’s term has expired. He opened the floor for nominations to fill the vacancy of the four-year term. Councilman Wolffe nominated Mr. Steve Potts to fill the vacancy. Mayor Tarr closed the nominations. In favor of Mr. Potts were all members of Council. Mr. Potts was appointed to the Chincoteague Recreation and Convention Center Authority for a four-year term.

Mayor Tarr informed that Mr. C. Ray Daisey’s unexpired term on the Planning Commission needs to be filled and that the Town will advertise the vacancy for those interested in serving on the Commission.

## **7. Board of Zoning Appeals – Expired Term.**

Mayor Tarr stated that Mr. Robert Cherrix’s term on the Board of Zoning Appeals has expired. Mayor Tarr stated that Town Attorney Poulson will be notified of the vacancy and that Judge Tyler will need to appoint someone to fill the vacancy.

## **8. Public Hearing – Amend Zoning Ordinance Section 2.96.**

Mayor Tarr opened the public hearing to amend Zoning Ordinance Section 2.96 by adding to the definition of Main Use. Zoning Administrator Lewis explained the proposed change to Section 2.96.

- Mr. Richard Conklin stated that he was in favor of the proposed changes to the Zoning Ordinance.
- Mr. Bill McDonough stated that he felt there were already too many regulations concerning piers.

- Mrs. Peggy Thomas asked Council to consider that when someone is building a pier with or without a structure on the end, that the pier owner also be required to own the property across the street to allow for parking when utilizing the pier.  
After hearing no further public comments, Mayor Tarr closed the public hearing.

Councilman Wolffe motioned, seconded by Councilman Howard, to adopt the following amendment to Section 2.96 of the Zoning Ordinance.

Ayes – Conklin, Howard, Richardson, Speidel, Wolffe

Nays – Ross

Absent – None

The motion was carried.

Amend Section 2.96 by adding the following paragraphs to the definition of Main Use:

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

Add the following section to Article VI. General Provisions:

**SECTION E. OPEN-SIDED SHELTER ROOFS, OPEN-SIDED ROOF TO SHELTER A SINGLE BOAT SLIP OR BOAT LIFT, AND GAZEBO-TYPE STRUCTURES**

Sec. 6.8. Open-sided shelter roofs, open sided roof to shelter a single boat slip and/or boat lift, and gazebo-type structures.

Sec. 6.8.1 Open-sided roof structures to shelter a single boat slip and/or boat lift, and gazebo-type structures as defined in §28.2-1203.A.5 of the Code of Virginia of 1950, as amended may be constructed and/or maintained on any dock or pier, or platform in any zoning district as a matter of right, subject to §28.2-1203.A.5. No such structure(s) on any such dock, pier and/or platform shall exceed a combined coverage or area of four hundred square feet (400 sq ft). No such permitted structure shall exceed twelve feet (12 ft) in height and shall have a roof pitch no greater than 2/12. No special exception or use shall be granted by the Board of Zoning Appeals for any such structure not complying with such size and design limitations, nor shall the Board of Zoning Appeals grant any special exception or use for any open-sided shelter roof structure as defined in §28.2-1203.A.5.

## **9. Joint Public Hearing with the Planning Commission – Amend Zoning Ordinance Sections 8.5.2, 11.1.3, 12.1.1 through 12.1.7.**

Chairman Ray Rosenberger of the Planning Commission opened the Commission's public hearing to amend the Zoning Ordinance Sections 8.5.2, 11.1.3, and 12.1.1 through 12.1.7 by deleting out the rates.

Mayor Tarr opened Council's public hearing. He explained that the fees were simply being moved out of the Zoning Ordinance Sections and into one policy.

After hearing no public comments, Chairman Rosenberger closed the Planning Commission's public hearing.

After hearing no public comments, Mayor Tarr also closed Council's public hearing.

Mr. Bob Behr of the Planning Commission motioned, seconded by Mrs. Wolffe, to adopt the following amendment to Zoning Ordinance Sections 8.5.2, 11.1.3, and 12.1.1 through 12.1.7 and to recommend the amendment to Council for consideration. The motion was unanimously approved by the Planning Commission.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following amendment to Zoning Ordinance Sections 8.5.2, 11.1.3, and 12.1.1 through 12.1.7. The motion was unanimously approved.

Section 8.5.2. Appeals and applications for a variance or special exception requiring an advertised public hearing shall be accompanied by payment established by the town council payable to the treasurer.

(Ord. of 11-4-1196; Ord. of 5-1-2000)

(Amended 01/18/07)

Section 11.1.3. Any amendment proposal requiring an advertised public hearing shall be accompanied by payment in the amount established by the town council.

(Amended 01/18/07)

Section 12.1. Fees.

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action by the town council upon recommendation of the budget and personnel committee.

(Amended 01/18/07)

Sections 12.1.1 – 12.1.7 Repealed.

### **Addendum 2**

The town council shall establish a schedule of fees and charges for subdivision reviews for each submitted plat and related costs. Such schedule of fees and charges

shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

(Amended 01/18/07)

## ***10. Resolutions Authorizing the Application for State Aid to Public Transportation.***

**a. Grant Financial Assistance in the Amount of \$125,000** – Mr. Jack Van Dame, Trolley Manager, explained that the following Resolution is to cover a garage facility to house the trolleys to be located behind the existing maintenance buildings parallel to the ball park.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adopt the following Resolution Authorizing the Application for State Aid to Public Transportation. The motion was unanimously approved.

### **Resolution Authorizing the Application for State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the **DEPARTMENT**, for a grant of financial assistance in the amount of \$125,000 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide land and improvements in the amount of \$25,000, which will be used to match the state funds in the ratio as required by such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 18<sup>th</sup> day of January, 2007.

---

Robert G. Ritter, Jr., Town Manager

---

Date

**b. Grant Financial Assistance in the Amount of \$75,450** – Mr. Jack Van Dame explained that the following Resolution is for an operation grant consistent with the request in previous years.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adopt the following Resolution Authorizing the Application for State Aid to Public Transportation. The motion was unanimously approved.

**Resolution Authorizing the Application for  
State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,450 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$18,367, which will be used to match the state funds in the ratio as required by such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 18<sup>th</sup> day of January, 2007.

---

Robert G. Ritter, Jr., Town Manager

---

Date

**11. American Bridge – Temporary Use of a Sewage Holding Tank.**

Town Manager Ritter explained that the contractor for the Chincoteague Bridge replacement, American Bridge, has requested the use of a temporary holding tank for sewage for the placement of two mobile office trailers along the eastern side of the old school property on Church Street. He added that Zoning Administrator Lewis recommended approving the placement of the temporary holding tank provided the tank is securely anchored to the ground and is pumped on a regular basis.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to allow American Bridge to place a temporary holding tank for sewage for the placement of two mobile office trailers with the stipulation that the tank is securely anchored to the ground and pumped regularly.

Ayes – Conklin, Howard, Richardson, Ross, Speidel

Nays – None

Abstain – Wolffe (conflict of interest)

The motion was carried.

## **12. Bids for Town Dock Lease at Robert N. Reed, Sr. Downtown Park.**

Public Works Director Cosby explained that two bids were received for the dock lease for 2007. He stated that Edgerton Fish Company offered the higher bid in the amount of \$6,012 for the year. Public Works Director Cosby recommended that Council accept the bid for this year even though the bid is considerably lower than last year due to the reduction of scallop boats utilizing the dock.

Councilman Wolffe motioned, seconded by Councilwoman Conklin, to decline the bid from Edgerton Fish Company and to re-advertise for bids for the leasing of the dock at the Downtown Waterfront Park with a \$12,000 minimum bid requirement. The motion was unanimously approved.

## **13. Mayor and Council Announcements or Concerns.**

- Councilman Howard announced that Mr. Mike Tolbert was in the process of shooting the elevation for the restrooms at the Harbor.
- Councilman Wolffe commended Mr. Van Dame on his efforts with the trolley program.
- Councilwoman Richardson requested that the Council Action List be reinstated as a regular item in the agenda packets. She asked about the status of the memorial bench that is to be placed near Watson Park and about the placement of the plaques at Watson Park and the Robert N. Reed, Sr. Downtown Park. Councilwoman Richardson also asked how much notice was required for the cancellation of meetings and requested that the Council members be called if committee meetings are cancelled.

## **Adjournment of Meeting**

Mayor Tarr announced that the next meeting will be on February 5, 2007 at 7:30 pm. Councilman Wolffe motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

---

Mayor

---

Town Manager

MINUTES OF THE JANUARY 23, 2007  
CEMETERY COMMITTEE

Members Present

Terry Howard, Chairman  
Ellen Richardson, Councilwoman  
Gary Turnquist

Robert Ritter, Town Manager

1. Call to Order.

Chairman Howard called the meeting to order at 5:43 p.m.

2. Agenda Adoption.

Chairman Howard moved, seconded by Mr. Turnquist, to adopt the agenda. The motion was unanimously approved.

3. Update and Review of the Cemetery Fund, Revenue & Expenditures.

The committee reviewed the present revenue and expenditure report. Chairman Howard reported that the Mechanics and Daisey Cemeteries are cleaned three times per year and that Greenwood Cemetery is also cleaned from time to time. Chairman Howard also stated that it will take around \$1,500 per year to continue maintaining the cemeteries. Currently the balance of the report is showing \$ 975.00.

4. Public Outreach (a plan to seek donations).

Chairman Howard reported that we need to go before the public to see if anyone would be willing to offer cemetery donations. He also stated that we did not approach the public last year for cemetery donations. Mr. Turnquist suggested that we go before the groups that had donated last time and thank them for their past donations and let them know that we currently do not have enough funding for this upcoming season. Councilwoman Richardson suggested that we show them pictures of what the cemeteries looked like before this Committee was established and what they look like now to show that their past donations went to good use. The Committee agreed to set up a time to approach the public for contributions to fund the program.

5. Adjournment.

Chairman Howard moved, seconded by Mr. Turnquist, to adjourn the meeting. The motion was unanimously approved at 6:05 p.m.

The next meeting is tentatively scheduled for Tuesday, 24 April 2007 at 5:30 pm.



# DEED OF GIFT

PRESENTED TO

## THE ISLAND LIBRARY

FOR LAND ADJACENT TO THE LIBRARY TO BE  
USED IN THE LIBRARY EXPANSION PROJECT

DATED THIS 18TH DAY OF JANUARY 2007.

---

ANITA W. SPEIDEL, VICE MAYOR

---

JOHN H. TARR, MAYOR